In the Drawings

There are no amendments to the drawings.

Remarks

Applicant has added new claims 18 and 19. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

The Examiner has rejected Claims 1 and 9 as anticipated by U.S. Patent Application Publication No. 2001/0001856 A1 ("Gould et al."). The Examiner has further rejected Claims 2-7, 10-15 and 17 as unpatentable over Gould et al. in view of U.S. Patent No. 5,913,203 ("Wong et al."). Applicant respectfully disagrees with the Examiner's rejections.

37 CFR §1.131 Declaration

In response, Applicant submits herewith, a Declaration of Inventors of Prior Invention Under 37 CFR §1.131 ("the Declaration"). The priority date of Gould et al. is October 28, 1999. The Declaration establishes an invention conception date of at least as early as May 1999, at least six months prior to the filing of application no. 09/428,310, to which Gould et al. claims priority. Accordingly, Applicant respectfully submits that Gould et al. is not prior art and requests the Examiner to withdraw his rejection of the claims based on this reference.

Gould et al.

Even though Gould et al. is not prior art to the pending application, Applicant submits the following comments with respect to Gould et al.

Claim 1 requires among other limitations "software executing on <u>said issuer computer</u> for <u>receiving said money code</u> and a money amount from a customer, assigning an associated money value to said money code based on said money amount received from the customer" and "software executing on <u>said customer computer</u> for <u>transmitting</u> an order and <u>said money code to said merchant computer</u> over said communications system." Claim 9 requires among other limitations "software executing on <u>said issuer computer</u> for receiving a money amount from a customer, <u>generating said money code</u>" and "software executing on <u>said customer computer</u> for <u>transmitting</u> an order and <u>said money code</u> to said merchant computer over said communications system." Claim 17 requires among other limitations "<u>transmitting</u> an order and <u>said money code from a customer computer to said merchant computer</u> over said communications system."

Gould et al. fails to teach, disclose or suggest a customer computer transmits a money code to a merchant computer as required by all claims. Rather, Gould et al. is limited to a card reading system where the individual must physically present <u>a card</u> to a merchant to be swiped to read the money amount allotted to the card. (*See*, FIGS. 1-4 and 6-7; Par. 10 "The present invention is a cash-equivalent *card-based* purchasing system." emphasis added) The Abstract states that the system is a "cash-equivalent

card-based purchasing system" while the title of the invention reads "Prepaid Cash Equivalent Card And System." (Abstract; Title of the Invention.) Gould et al. further states that "a plurality of purchase authorization devices 31" are "located at associated merchant POS stations 20, wherein a cardholder may use a cash equivalent card 40 . . . to execute transactions." (Par. 27.) Alternatively, the specification of the pending application states that the commercial transaction or purchase, is performed over a network connection, such as the Internet, and the various computers involved in the transaction including the customer, merchant and financial institution computers are connected to one another over a network connection. (*See*, p. 5, lines 19-26.) The money code is transmitted *over the network* from the customer computer to the merchant computer. (*See*, p. 2, line 15 – p. 3. line 10) (emphasis added). In fact, the title of the invention is "System For Anonymously Purchasing Goods And Services Over The Internet." (Title of the Invention) (emphasis added).

Nowhere does Gould et al. teach, disclose or suggest that a customer computer transmits a money code to a merchant computer as required by all the claims. Gould et al. simply cannot facilitate an anonymous purchase or transaction over a network connection as identified by the presently pending claims.

Additionally, Gould et al. fails to teach, disclose or suggest that an issuer computer receives a money code as required by Claim 1 or that an issuer computer generates a money code as required by Claim 9. Rather, Gould et al. is a card-based system that transmits card information and a money value to a financial institution computer.
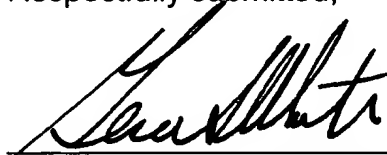
Nowhere, however, does Gould et al. suggest that a money code generated by a customer computer and is received by an issuer computer per Claim 1. Also, Gould et al. fails to suggest that the issuer computer <u>generates</u> the money code per Claim 9.

Accordingly, Applicant respectfully submits that Gould et al. is not prior art based on the Declaration filed herewith and in any event, Gould et al. fails to teach, disclose or suggest that limitations of all the pending claims.

It is respectfully submitted that claims 1-19, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

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